



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,866	08/01/2003	Toru Kambayashi	239067US2SRDDIV	9158
22850	7590	07/06/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3621	
			NOTIFICATION DATE	DELIVERY MODE
			07/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/631,866	Applicant(s) KAMBAYASHI ET AL.	
	Examiner Jalatee Worjloh	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed March 29, 2007. Claims 11,16,19 and 22 were amended. Claims 11,12, and 16-23 pending.

Response to Arguments

2. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 11, 12 and 16-23 were examined.

Claim Rejections - 35 USC § 112

4. Claims 16, 17, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 16 recites the limitation "the performing a digital signature processing" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 16 recites "performing a digital signature processing"; however, it is unclear what process is being performed. Therefore, the Examiner interprets this step as generating a digital signature.
7. Claim 17 recites the limitation "the privately copied contents" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3621

8. Claim 17 recites the limitation "the officially copied contents" in line 5. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 21 recites "the digital signature processing device is configured to perform a signature with a secret key information of a public key encryption system"; it is unclear what is happen in this step.

10. Claim 23 recites the limitation "the privately copied contents" in line 5. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 23 recites the limitation "the officially copied contents" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 11, 12, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6-55314 to Spies et al. ("Spies") and U.S. Patent No. 5758068 to Brandt et al. ("Brandt") in view of U.S. Patent No. 525260999 to Wyman.

Referring to claim 11, Spies disclose receiving a purchase request from a user, the request including identification of digital contents information (i.e. serial number of the program), a utilization condition of the digital contents information (i.e. conditions of decryption), and a media identification of a media to which the user records the digital contents information N(i.e.

Art Unit: 3621

IC card credentials), determining a content key for the digital contents information based on the identification (i.e. program key), generating a certificatory based on the content key and the utilization condition (i.e. package) (see col. 8, lines 31-45), generating a digital signature of encrypted content key, encrypted utilization condition, and encrypted certificatory based on a secret key (col. 8, lines 55-57 – the package is signed thereby creating a digital signature of the information) and generating a digital license information (i.e. the number of decryption times).

Spies does not expressly disclose generating a license key based on the media identification, encrypting the content key, the utilization condition, and the certificatory based on the license key and the license information including a header, the encrypted content key and the encrypted utilization condition, the encrypted certificatory and the digital signature. Brandt discloses generating a license key based on the media identification and encrypting the content key, the utilization condition, and the certificatory based on the license key (see col. 1, lines 12-17).

Wyman discloses license information including a header, the encrypted content key, the encrypted utilization condition, the encrypted certificatory, and the digital signature these are nonfunctional descriptive material and are not functionally involved in the steps recited (see fig. 16). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the disclose by Spies to include generating a license key based on the media identification, encrypting the content key, the utilization condition, and the certificatory based on the license key and the license information including a header, the encrypted content key and the encrypted utilization condition, the encrypted certificatory and the digital signature. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized use of the content.

Referring to claim 12, Spies discloses encrypted utilization condition information of the encrypted digital contents information, the utilization condition information includes effective number of times information by the information dependent on the recording medium (see col. 8, lines 35 & 36). Spies does not expressly disclose the utilization condition information including effective date information. Wyman discloses the utilization condition information including effective date information (see fig. 17; col. 32, lines 36-67 – license term). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the method disclose by Spies to include the step where the utilization condition information including effective date information. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized use of the content.

Referring to claim 16, Spies discloses a generating a digital signature (see claim 11 above).

Referring to claim 17, Spies discloses utilization condition (see claim 11 above). Spies does not expressly disclose license information includes utilization condition information including effective date information and effective number of times information. Wynn discloses the license information includes utilization condition information including effective date information and effective number of times information (see claim 11 above).

Referring to claim 18, Spies discloses encrypted content (see claim 11 above). Spies does not expressly disclose license information includes information indicating whether or not the contents information is original contents information which is compressed but is not encrypted. Wyman discloses license information (see fig. 16). As for the information indicating whether or the contents information is original contents information which is compressed but is not

Art Unit: 3621

encrypted this is nonfunctional descriptive material and is not functionally involved in the step recited. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the license information of Wyman to include information indicating whether or not the contents information is original contents information which is compressed but is not encrypted. One of ordinary skill in the art would have been motivated to do this because it restricts the recording of digital contents.

Claims 19 and 20 teach a device configured to perform the steps of method claims 11 and 12 respectively; therefore, this claim is rejected on the same rationale as claims 11 and 12 above.

Claims 21-23 are rejected on the same rationale as claims 16-18 above.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

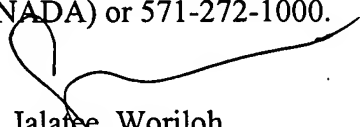
Art Unit: 3621

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jalatee Worjloh
Primary Examiner
Art Unit 3621

June 23, 2007